

LAW OFFICES OF PINNOLA & BOMSTEIN

Michael S. Bomstein, Esq.

PA ID No. 21328

Attorney for Plaintiff

100 South Broad Street, Suite 2126

Philadelphia, PA 19107

Tel.: (215) 592-8383

Email: mbomstein@gmail.com

NORA S. JACKSON,	:	COURT OF COMMON PLEAS
Plaintiff	:	PHILADELPHIA COUNTY
	:	CIVIL ACTION - LAW
v.	:	MARCH TERM, 2018
SAMANTHA WILCOX, et al.,	:	
Defendants	:	NO. 01595

MOTION FOR SERVICE PURSUANT TO SPECIAL ORDER OF COURT

TO THE HONORABLE JUDGES OF THE SAID COURT:

Plaintiff, by her attorney, Michael S. Bomstein, hereby, moves this Honorable Court for an Order directing service of the Complaint upon defendant Samantha Wilcox by regular and certified mail to her last known address, by posting the subject premises, and by publication, and permitting service of all subsequent papers upon the defendant by regular and certified mail, and in support hereof avers the following:

1. Plaintiff is an adult individual and former resident of the Commonwealth who now resides at 1345 Ashley Terrace, Apartment 106, Winston-Salem, North Carolina.
2. Plaintiff believes and avers that defendant Samantha Wilcox is an adult individual and resident of the Commonwealth whose address is presently unknown. Defendant Wilcox has identified premises 848 North 40th Street as her address but defendant has never resided at that location.

3. Plaintiff is the owner of premises 848 North 40th Street, having acquired the property by deed dated the 12th day of November, 2007 (“the original deed”) and recorded in the office of the Philadelphia Department of Records as Document No. 51825601 on the 18th of December, 2007. (A true and correct copy of the original deed is attached hereto and made part hereof as Ex. “A.”)

4. Since acquiring the property, plaintiff has retained ownership and has allowed a structure on the property to be used by her son to operate the family business.

5. In making arrangements to pay real estate taxes on the property, plaintiff came to learn that title had apparently been transferred to defendant Wilcox by deed dated June 23, 2017 (“the new deed”) and recorded in the office of the Philadelphia Department of Records as Document No. 53232754 on the 30th of June, 2017. (Copy of new deed attached as Ex. “B.”)

6. The signature on the new deed is not plaintiff’s; it is a blatant forgery. Plaintiff’s most recent Pennsylvania photo identification card and a deed signed in 2007 show her actual signature. (Ex. “C” attached hereto.) Her actual signature is very different from the fraudulent signature in the new deed.

9. Plaintiff has never met defendant Wilcox.

10. Plaintiff never agreed to sell the property to Wilcox.

11. Plaintiff never received any payment in consideration of deeding the property to Wilcox.

12. The new deed recites payment of \$20,000 to plaintiff. The current City assessment is \$59,800.

13. Any claim by defendant to title to the property is invalid as being *void ab initio*.

14. Plaintiff believes she is entitled to relief and, pursuant to Rule 1061 Pa.R.C.P., plaintiff brings this action to quiet title in her favor.

15. Defendant Victor Miller was served on March 13, 2018.

16. Plaintiff retained the service of private investigator Diane Cowan of Confidential Investigative Services, Inc., an experienced investigator, to seek to locate defendant Wilcox. Ms. Cowan is accustomed to performing such searches.

17. Ms. Cowan's Affidavit of Good Faith Investigation is attached hereto as Exhibit "D."

18. Cowan's affidavit confirms that she examined multiples data base sources. Wilcox also appears to have stolen real estate from another person and identified herself as residing at another address but in fact she resides at neither address.

19. Cowan was unable to track down the notary who notarized both fraudulent deeds.

20. Cowan did additional research to locate Wilcox but found no one and concluded it is even possible that the person who defrauded plaintiff was not named Samantha Wilcox.

21. The affidavit demonstrates that a good faith effort was made to locate defendant.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to Pennsylvania Rule of Civil Procedure 430(a) directing service of the Complaint by regular and certified mail addressed to the defendant 848 North 40th Street, by posting of the premises, and by publication, and permitting service of all subsequent papers by regular and certified mail.

Respectfully submitted,

PINNOLA & BOMSTEIN

/s/ Michael S. Bomstein
Michael S. Bomstein, Esq.
Attorney for Plaintiff

Dated: October 10, 2018

VERIFICATION

Michael S. Bomstein, states that he is attorney for the Plaintiff and that the facts set forth in the foregoing Motion are true and correct to the best of his knowledge, information and belief, and that this statement is made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

/s/ Michael S. Bomstein
Michael S. Bomstein

Dated: October 10, 2018

Affidavit of Diane L. Cowan

Michael Bomstein, Esquire
100 South Broad Street, Suite 2126
Philadelphia, PA 19107

Nora S. Jackson

v.

**Philadelphia County Court of Common
Pleas
Docket Number: 1803-01595**

Samantha Wilcox

1. I, Diane L. Cowan, state that I am President of Confidential Investigative Services, Inc. Confidential Investigative Services is a Detective Agency licensed by the Commonwealth of Pennsylvania and located at 235 S. 13th Street, Philadelphia, PA 19107.
2. At the request of Attorney Michael Bomstein, I made effort to locate Wayne Griffith or Griffin who certified the residence of Samantha Wilcox in a deed dated June 23, 2017 transferring ownership of the property at 1323 North 27th Street from Harriet E. Dunn and Dorcas E. Moore to Samantha Wilcox. Please see exhibit attached. The name is not printed anywhere on the document and the signature is difficult to read. It does appear as if the subject's surname is Griffin or Griffith.
3. Searches were conducted of investigative database sources. I found multiple records of individuals known as Wayne Griffin as well as Wayne Griffith who reside or have in the past resided in Philadelphia County. During these searches, I was unable to attribute any of the individuals to the North 27th Street property.
4. Attorney Bomstein also provided a deed dated June 23, 2017 pertaining to 848 North 40th Street in Philadelphia, PA. The deed indicates transfer of ownership from Nora S. Jackson to Samantha Wilcox. Wayne Griffith or Griffin also signed certifying the address of the grantee, Samantha Wilcox at 848 North 40th Street in Philadelphia, PA.
5. Investigation conducted confirmed that Samantha Wilcox does not reside at either 848 North 40th Street or 1323 North 27th Street. Performing searches of investigative database sources, I also found no record of an individual known as Samantha Wilcox residing in Philadelphia County.

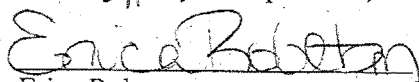
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6. One individual known as Samantha Wilcox was located who resides in proximity to Philadelphia County. The address reported is 602 Monroe Drive in Harleysville, PA. In travel to the residence in August of 2018, I made effort to contact the subject. Not finding anyone at home, I left a business card requesting contact by Samantha Wilcox. A woman identifying herself as Samantha Wilcox contacted my office advising she has no knowledge of the properties located at 848 North 40th Street or 1323 North 27th Street and does not have any knowledge of anyone by the name of Wayne Griffin or Griffith. In addition, I inquired if she was familiar with a William Ernest Johnson and she advised that she did not know this individual. As a note, copy of a deed dated February 26, 2018 transferring ownership of the property located at 1323 North 27th Street to Mr. Johnson was provided by counsel. See exhibit attached.
7. I did make effort to reach William Ernest Johnson, III who would likely be able to provide information regarding Samantha Wilcox and her contact information since he reportedly purchased the property from Ms. Wilcox however he could not be located at 5010 Copley Road in Philadelphia, PA, which is his address noted on the deed. In addition, I located a more current address of the subject of 5412 Valley Street in Philadelphia, PA and made three efforts to reach Mr. Johnson at that address however no one was found at home. Leaving a business card requesting contact, Mr. Johnson did not respond.
8. During investigation, no information could be developed to confirm the identity of Samantha Wilcox or that this person exists. Furthermore, since there was no address information regarding Wayne Griffith or Wayne Griffin provided in the documents attached, the subject could not be located.

I, Diane L. Cowan, state that the foregoing statements made by me are true and correct. I am aware I may be punished if any of the above statements are found to be untrue.


Diane L. Cowan

Sworn to and subscribed before
me this 27th day of September, 2018


Erica Robertson

